

## REMARKS

Claims 1-5 are pending in the application.

Claims 2-5 are deemed to contain allowable subject matter.

Claims 1-5 have been amended herein to clarify the claimed invention. The clarification corrects grammatical issues.

Figs. 1 and 2 of the drawings are objected to. Enclosed are substitute figures correcting the informalities noted by the Examiner. No new matter is entered.

Claims 1-5 are objected to and claims 1-5 are rejected under 35 U.S.C. §112, second paragraph as being indefinite.

In view of the claim clarifications it is respectfully requested the objections and rejections under §112 be withdrawn.

Claim 1 is rejected under 35 U.S.C. § 102 as being anticipated by Doverspike. Doverspike discloses restoration of service in the presence of a fault in a communication network.

Applicant's claimed invention provides network equipment provided for a transmission line and within which a band is assigned for an IP data network. Claim 1 provides when a detected identifier of bandwidth use is different from a previously set identifier for identifying an expected band use, a control part resets the previously set identifier with the detected identifier for identifying the band use.

Fig. 4 of Doverspike indicates the steps for the restoration of a failed optic line by rerouting around the failure. However Doverspike fails to teach network equipment, which is

provided for a transmission line of a backbone network, and a band for an IP data network is assigned in the transmission line.

In addition in Doverspike if the current band use is zero because of a failure, a rerouting would bring the band use to a previously set use.

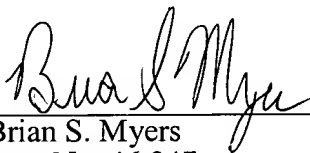
In applicant's claimed invention as an explanatory example if the band use was detected as zero, and the previously set was something other than zero, the control part resets the previously set identifier with the detected identifier for identifying the band use. This is only an illustrative example to show the differences between claim 1 and Doverspike

It is respectfully submitted the features of the claimed invention are not suggested by Doverspike, because the system of Doverspike is not related to a band use for an IP data network in a transmission line of a backbone network. Accordingly, claim 1 should also be allowed for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is invited to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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BSM:fd

AMENDMENTS TO THE DRAWINGS:

Enclosed are two sheets of replacement drawings Figs. 1 and 2.